BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of	)	
	)	
Wireless Telecommunications Bureau	)	WT Docket No. 24-240
and Office of Engineering and	)	RM-11989
Technology Seek Comment on NextNav	)	
Petition for Rulemaking	)	

Comments of Dominion Energy, Inc.

Dominion Energy, Inc. ("Dominion Energy"), hereby files these comments in opposition to NextNav Inc.'s ("NextNav") Petition for Rulemaking that requests the Federal Communications Commission ("Commission") to initiate a proceeding to reconfigure the 902-928 MHz band ("Lower 900 MHz Band").[1]

I. Background

Headquartered in Richmond, Virginia, Dominion Energy employs over 17,000 people in 14 states, providing reliable, affordable, clean energy to nearly seven million customers. Dominion Energy's wholly-owned electric utility subsidiaries are Virginia Electric and Power Company d/b/a Dominion Energy Virginia and d/b/a Dominion Energy North Carolina, which serves over 2.6 million customers in Virginia and North Carolina and Dominion Energy South Carolina, which serves approximately 753,000 customers in 24 counties in central, southern and southwestern South Carolina.

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[1] *Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking to Expand Wireless Broadband in 900 MHz Band*, Public Notice, DA 24-776, WT Docket No. 24-240, RM-11989 (Aug. 6, 2024) ("Public Notice").

II. NextNav's Proposal Would Cause Harmful Interference to Critical Utility Operations

NextNav proposes that the Commission reconfigure the Lower 900 MHz Band so that it can operate using a 15-megahertz spectrum block with a 5-megahertz uplink in the 902-907 MHz band paired with a 10-megahertz downlink in the 918-928 MHz band at higher power limits to support its terrestrial Positioning, Navigation, and Timing ("PNT") network and 5G broadband services under a nationwide license.[2] Dominion Energy opposes the proposed changes to the Lower 900 MHz Band because they would cause harmful interference to utility unlicensed operations in the Lower 900 MHz band, including to millions of utility meters and Supervisory Control and Data Acquisition ("SCADA") systems.

The Commission states that NextNav's Petition "recognizes that there currently are unlicensed Part 15 devices operating in the Lower 900 MHz Band, but it is unclear regarding the extent to which the proposed reconfiguration would impact potentially millions of such devices."[3] The Commission invites comment on the extent of Part 15 devices in the Lower 900 MHz Band and what potential impact band reconfiguration and flexible use rules, including elimination of the testing requirements of Section 90.353(d) of the Commission's rules, might have on Part 15 devices.[4] The Commission asks what services are being provided by Part 15 devices and whether they can be accommodated in other bands, as well as the costs and anticipated timeline for relocation and the status of any outreach with Part 15 device users.[5]

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[2] NextNav Petition for Rulemaking, Enabling Next-Generation Terrestrial Positioning, Navigation, and Timing and 5G: A Plan for the Lower 900 MHz Band (902-902 MHz) (filed April 16, 2024); *See also* Letter from Robert Lantz, General Counsel, NextNav Inc., to Marlene H. Dortch, Secretary, FCC (filed June 7, 2024) (collectively referred to as the "NextNav Petition").

[3] Public Notice at 4.

[4] *Id.*

[5] *Id.*

Like nearly all utilities across the country, Dominion Energy has deployed unlicensed Part 15 devices utilizing spectrum in the Lower 900 MHz Band. Dominion Energy has deployed nearly four million smart meters across its service territory, in addition to several SCADA applications using the Lower 900 MHz Band spectrum for wireless communications to monitor and control the grid.

Dominion Energy's smart metering system enables remote two-way communication between the meter and Dominion Energy. Smart meters are a safe and reliable tool to measure electricity usage more efficiently, monitor grid performance, and detect and resolve power outages more efficiently. Smart meters automate numerous functions that would otherwise be performed by technicians visiting the home, such as meter readings and turning service on or off when a resident moves, that in turn means fewer trucks on the road and reduced emissions and environmental impacts. Smart meters help provide information about electricity flow on the grid and other key indicators Dominion Energy uses to make the grid operate more reliably and efficiently. The smart meters notify Dominion Energy whenever power goes out and when it has been restored and help integrate new distributed energy resources like solar and wind into the grid, further increasing efficiency and lowering costs for customers. Smart meters also provide customers with more detailed information on energy usage and enable customers to exercise greater control over their energy usage and costs.

If the Commission were to adopt NextNav's proposal, it would effectively displace and cause harmful interference to Dominion Energy's operations in the Lower 900 MHz Band without any recourse and it would jeopardize the operability of the underlying applications they support. Dominion Energy has made significant investments in deploying smart metering and SCADA applications that would likely be stranded without any ability to recover the significant interference mitigation costs that Dominion Energy would incur. Even if there were other spectrum bands that could accommodate and support the services that Dominion Energy currently provides utilizing unlicensed Part 15 devices in the Lower 900 MHz Band, the costs for relocation and the amount of time it would take would likely be staggering and would far outweigh any speculative benefits of adopting NextNav's proposal.

Despite NextNav's assurance that it will collaborate with unlicensed users to understand their spectrum requirements, Dominion Energy is not aware of any outreach by NextNav to utilities to explain how it intends to protect mission critical utility systems and applications in the Lower 900 MHz Band. Dominion Energy has not been contacted by NextNav, nor has Dominion Energy heard of any attempts to conduct outreach through the various trade associations that represent the utility industry on communications issues such as the Utilities Technology Council ("UTC") or Edison Electric Institute ("EEI").

Dominion Energy is extremely troubled by NextNav's request that the Commission remove the current requirement that NextNav not cause unacceptable levels of interference to Part 15 devices.[6] The fact that NextNav describes the current protections for unlicensed Part 15 devices in the 900 MHz Lower Band as "special treatment"[7] suggests that NextNav has no intention of working with utilities to understand their spectrum requirements or protect utility operations. Dominion Energy strongly opposes NextNav's request that the Commission delete Section 90.353(d) from its rules, which, among other things, requires Multilateration Location and Monitoring Service ("M-LMS") systems in the 902-908 MHz Band – such as NextNav's

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[6] Public Notice at 4 (*citing* NextNav Petition at A-6 (proposing to amend § 90.361) and A-11 (proposing to add § 90.1410(c)).

[7] NextNav Petition at A-1.

NextGen system – to "demonstrate through actual field tests that their systems do not cause unacceptable levels of interference to 47 CFR part 15 devices."[8]

Despite NextNav's claims that coexistence between its NextGen system and unlicensed Part 15 operations "should be achievable,"[9] it has not yet presented any technical analysis to support its claim and has not yet conducted any outreach with utilities to understand their spectrum requirements which would be necessary to inform any such analysis. Claiming, without any evidence, that harmful interference should not happen is quite different from demonstrating through verifiable technical analysis that harmful interference will not happen. Worse yet, NextNav proposes to eliminate any obligation under the Commission's rules to protect unlicensed operations and opposes the current requirement to conduct field testing. As such, Dominion Energy has significant concerns that NextNav's proposed reconfiguration of the Lower 900 MHz Band would cause harmful interference to its unlicensed smart meters and SCADA operations and that NextNav would not coexist with critical utility operations in the Lower 900 MHz Band. NextNav fails to provide any assurances that it would avoid or otherwise mitigate harmful interference to Dominion Energy's unlicensed operations in the Lower 900 MHz Band.

While NextNav cites the Commission's framework for creating 900 MHz broadband licenses in the 897.5-900.5/936.5-939.5 MHz band as alleged precedent for adopting NextNav's proposal,[10] the reality is that NextNav's proposal is completely different and that the reconfiguration of the 896-901/935-940 MHz band ("900 MHz Band") provides no basis to support NextNav's proposal. First, under NextNav's proposal, incumbents in the 900 MHz

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[8] 47 C.F.R. § 90.353(d).

[9] NextNav Petition at 31.

[10] *Id*. at 33-34.

Lower Band would not be protected against harmful interference. As discussed above, NextNav proposes to eliminate the current requirement that it protect incumbent unlicensed utility users. This is in stark contrast to the Commission's requirement that broadband licensees in the 900 MHz band must prevent harmful interference to incumbents and must resolve interference in the shortest time practicable. Second, NextNav does not propose a voluntary relocation mechanism for incumbent users such as the one adopted by the Commission for the 900 MHz Band reconfiguration. Therefore, incumbent utility users of the Lower 900 MHz band would be forced to mandatorily relocate and would not be protected against harmful interference. The 900 MHz Band relocation was based on full protection of incumbent users and a voluntary relocation on a county-by-county basis, whereas NextNav is seeking a nationwide realignment with mandatory relocation and to eliminate the protections that incumbent unlicensed users currently have under the Commission's rules. NextNav seeks to obtain a significant windfall for itself with little to no corresponding public interest benefits.

For the reasons discussed herein, Dominion Energy opposes NextNav's Petition to reconfigure the Lower 900 MHz Band and urges the Commission to deny the Petition. The Petition fails to meet the requirements of Section 1.407 of the Commission's rules because it fails to disclose sufficient reasons in support of the action requested to justify the institution of a rulemaking proceeding.

Respectfully submitted,

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